

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EASTERN DIVISION

CIVIL ACTION NO.: 04-11126-MLW

SANDRA YOUNG, and
ERIC K. SOUZA, P.P.A., By His MOTHER
AND NEXT BEST FRIEND,
Plaintiffs,

v.

SIX FLAGS, INC. and
INTAMIN AG.,
Defendants.

INTAMIN LTD.'S ANSWER TO THE THIRD-PARTY COMPLAINT

Third-Party Defendant Intamin Ltd. (incorrectly referred to as "Intamin Limited, Inc/Intamin Ltd., Intraride, LLC") hereby objects to plaintiff's collective reference to Intamin Limited, Inc., Intamin Ltd. and Intraride, LLC as "Intamin LTD" and hereby answers the serially numbered counts and paragraphs of the third-party plaintiff's Third-Party Complaint, solely on behalf of Intamin Ltd., as follows:

PRELIMINARY STATEMENT

1. This paragraph is an explanatory statement to which no response is required.

PARTIES

2. Intamin Ltd. lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

3. Denied in the form alleged.

FACTUAL BACKGROUND

4. Intamin Ltd. lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph.

5. Intamin Ltd. lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, but otherwise denies any allegations in this paragraph.

COUNT I - CONTRIBUTION

6. Intamin Ltd. repeats and incorporates its answers to paragraphs 1 through 5 as if fully set forth herein.

7. Denied.

The next paragraph is a demand for judgment to which no response is required.

COUNT II - INDEMNITY

8. Intamin Ltd. repeats and incorporates its answers to paragraphs 1 through 7 as if fully set forth herein.

9. Denied.

The next paragraphs are demands for judgment to which no responses are required.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The third-party plaintiff's negligence exceeds the negligence of Intamin Ltd., or its right to recover is reduced proportionately by the degree of their own negligence relative thereto.

SECOND AFFIRMATIVE DEFENSE

The injuries and damages alleged by third-party plaintiff were caused by a person or entity

for whose conduct Intamin Ltd. was not legally responsible.

THIRD AFFIRMATIVE DEFENSE

Third-party plaintiff's complaint fails to state a claim upon which relief can be granted

FOURTH AFFIRMATIVE DEFENSE

The injuries and damages alleged, if any, resulted from a superseding or intervening cause, and were not caused by any conduct, culpable or otherwise, on the part of Intamin Ltd.

FIFTH AFFIRMATIVE DEFENSE

Third-party plaintiff's claims are barred due to misnomer of party.

SIXTH AFFIRMATIVE DEFENSE

Third-party plaintiff's complaint is barred due to insufficient service of process upon Intamin Ltd.

SEVENTH AFFIRMATIVE DEFENSE

Third-party plaintiff's complaint is barred due to insufficient process upon Intamin Ltd.

EIGHTH AFFIRMATIVE DEFENSE

Some, or all, of the claims brought by the plaintiffs, which are the subject of the Third-Party Complaint, allege actions for which this third-party defendant was not engaged, and therefore for which this third-party defendant cannot be held liable.

NINTH AFFIRMATIVE DEFENSE

Service of process was attempted upon this third-party defendant prior to the court's granting leave for the filing of the Third-Party Complaint; wherefore, both process and service of process were deficient and insufficient.

TENTH AFFIRMATIVE DEFENSE

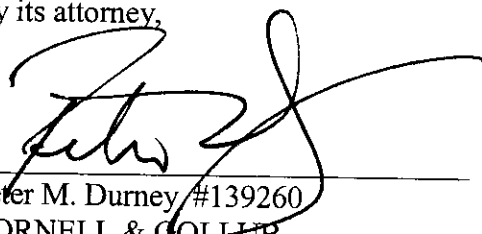
Intamin Ltd. incorporates by reference each of the affirmative defenses set forth in the Answer, Crossclaim, and Demand for Trial by Jury of Defendant, Six Flags, Inc., as if such defenses were re-stated in their entirety herein.

ELEVENTH AFFIRMATIVE DEFENSE

Intamin Ltd. reserves the right to amend its Affirmative Defenses and to add additional Affirmative Defenses if such defenses become available.

THIRD-PARTY DEFENDANT CLAIMS A TRIAL BY JURY AS TO ALL COUNTS.

The third-party defendant,
Intamin Ltd.
By its attorney,



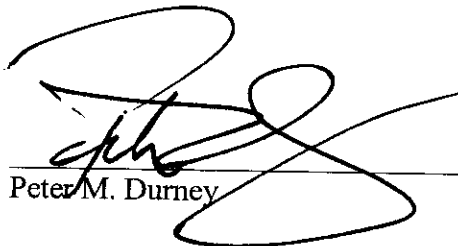
Peter M. Durney #139260
CORNELL & COLLUB
75 Federal Street
Boston, MA 02110
(617) 482-8100

CERTIFICATE OF SERVICE

I, Peter M. Durney, attorney for the defendant, Intamin Ltd., hereby certify that on the 18th day of November, 2004, a true copy of the foregoing Intamin Ltd.'s Answer to the Third-Party Complaint, was served by mail, postage prepaid, directed to:

Russell N. McCarthy, Esq.
150 North Main Street
Fall River, MA 02720

Allain P. Collins, Esq.
Fay M. Chen, Esq.
Morrison, Mahoney, & Miller LLP
250 Summer Street
Boston, MA 02210



Peter M. Durney